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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 RICHARD SCHONBACHLER,

11 Plaintiff,

12 v.

13 KAROL WESTERN CORPORATION,
14 *et al.*,

15 Defendants.

Case No. 2:08-cv-01157-LDG (GWF)

ORDER

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17 Defendant Karol Western Corporation moves to hold plaintiff in contempt, strike the
18 complaint, and dismiss this action (## 98, 99, 100). Plaintiff Richard Schonbachler
19 opposes the motion (#103).

20 The Magistrate Judge held a hearing on Karol Western's motion on November 8,
21 2010. On November 12, 2010, the Magistrate Judge issued findings and recommended
22 that Karol Western's motion be granted as follows: "That Plaintiff's complaint be stricken
23 and that this action be dismissed, with prejudice, unless Plaintiff pays the balance of the
24 attorney's fees previously awarded to Defendant in the amount of \$6,182.00 on or before
25 December 3, 2010." The Magistrate Judge further notified both parties that "any objection
26 to this Finding and Recommendation must be in writing and filed with the Clerk of the Court

1 within fourteen days." More than twenty-one days have passed since the Findings and
2 Recommendation issued, and neither party filed written objections. Karol Western has
3 filed a status report with the Court indicating that Schonbachler did not pay the balance of
4 the awarded attorney's fees on or before December 3, 2010. In sum, Schonbachler has
5 neither objected to the Magistrate Judge's recommendation that this matter be dismissed
6 unless he paid the balance of the awarded attorney's fees on or before December 3, 2010,
7 nor did he timely pay the balance of the awarded attorney's fees. Accordingly,

8 **THE COURT ADOPTS** the Findings and Recommendation (#105);

9 **THE COURT ORDERS** that Karol Western Corporation's Motion to Hold Plaintiff in
10 Contempt, Strike Complaint and Dismiss this Action (## 98, 99, 100) are GRANTED as
11 follows: Richard Schonbachler's Complaint is STRICKEN and this action is DISMISSED,
12 with prejudice.

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14 DATED this 8 day of December, 2010.

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17 Lloyd D. George
18 United States District Judge